

**REMARKS**

In the Office Action mailed December 21, 2006, the Examiner rejected claims 1-23. By this paper, claim 18 has been amended to correct a typographical error and new claims 24-27 have been added. No new matter has been added. Applicants respectfully request reconsideration of the application in view of the remarks set forth below. Moreover, Applicants believe that all pending claims are in condition for allowance.

**Rejection Under 35 U.S.C. § 101**

In the Office Action, the Examiner rejected claims 1-23 for being directed to non-statutory subject matter. The Examiner specifically stated that claims 1-23 “have no practical application of judicial exception as claimed because there is no physical transformation and no production of a concrete, useful and tangible result.” Applicants respectfully traverse this rejection.

***Legal Precedent***

According to the Supreme Court, congress intended statutory subject matter to “include anything under the sun that is made by man.” *Diamond v. Chakrabarty*, 447 U.S. 303, 308-09; 206 U.S.P.Q. 193, 197 (1980). Indeed, exclusions of statutory subject matter are limited to laws of nature, natural phenomena and abstract ideas. *See Diamond v. Diehr*, 450 U.S. 175, 185; 209 U.S.P.Q. 1, 7 (1981). Other than these specific exceptions, therefore, nearly anything man made is statutorily patentable subject matter under 35 U.S.C. §101.

In determining when process or method claims include statutory subject matter, the Supreme Court in *Diehr* stated that “[t]ransformation and reduction of an article ‘to a different state or thing’ is the clue to the patentability of a process claim that does not include particular machines.” *See id.* 450 U.S. at 183-185, 209 U.S.P.Q. at 6. In addition to the Supreme Court’s transformation and reduction test, the Federal Circuit has developed a second test which may also be used to determine if a claim recites statutory

subject matter, namely does the claim produce a “useful, concrete, and tangible result.” *In re Alappat*, 31 U.S.P.Q.2d 1545, 1557 (Fed. Cir. 1994) (*en banc*). The Federal Circuit further elaborated on this second test by holding that one must look to “the essential characteristics of the subject matter, in particular, its practical utility.” *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 47 U.S.P.Q.2d 1596, 1602 (Fed. Cir. 1998).

However, explaining this “useful, concrete, and tangible” test, the Federal Circuit has stated “the dispositive inquiry is whether the claim *as a whole* is directed to statutory subject matter.” *In re Alappat*, 31 U.S.P.Q.2d at 1557. Indeed, there has been no requirement from Congress, the Supreme Court, or the Federal Circuit mandating that a *specific final result* be shown for a claim to qualify under Section 101. *See id.* Rather, the Federal Circuit has specifically stated “the *Alappat* inquiry simply requires an examination of the contested claims to see if the claimed subject matter *as a whole* is a disembodied mathematical concept representing nothing more than a ‘law of nature’ or an ‘abstract idea,’ or if the mathematical concept has been reduced to *some practical application rendering it ‘useful’*.” *AT&T Corp. v. Excel Communications, Inc.*, 50 U.S.P.Q.2d 1447, 1451 (Fed. Cir. 1999) (emphasis added). Therefore, if a claim meets either the transformation and reduction test put forth by the Supreme Court, or if the claim, read as a whole and in light of the specification, produces any useful, concrete, and tangible result, the claim meets the statutory requirements of Section 101. *See id.*

Applicants respectfully assert that the independent claims 1, 8, 15 and 18, taken as a whole, each recite statutory subject matter under 35 U.S.C. §101 because they produce a useful, concrete and tangible result. The present Application is directed to selecting a localized page based on at least one locale parameter. *See Abstract*. Specifically, the present application discloses a system and method for receiving requests for data from users and responding to the requests by obtaining the requested data, i.e. the localized

page. *See* Specification, p. 15, ¶ [0033]. The result is that the user request is fulfilled through selection of a localized page.

For example, independent claim 1 recites, *inter alia*, “[a] system comprising...a controller that receives requests for data from users...a page localization generator that is adapted to select a localized page based on at least one locale parameter.” Independent claim 8 recites, *inter alia*, “[a] method of creating an application, the method comprising...creating... a controller that receives requests for data from users and responds to the requests by obtaining requested data...providing a page localization manager that identifies a locale-version of a requested page.” Independent claim 15 recites, *inter alia*, “[a] system for creating an application...comprising... means for creating a controller...the controller being adapted to receive requests for data from users and respond to the requests by obtaining requested data...means for selecting a localized version of a requested page based on at least one locale parameter.” Independent claim 18 recites, *inter alia*, “[a] program for creating an application, comprising a machine readable medium...page localizational control logic stored on the machine readable medium and adapted to identify a localized one of a plurality of localized pages corresponding to a requested page.”

Each claim, therefore, taken as a whole, recites either a method or apparatus for receiving and responding to a request from a user and selecting a localized version of the requested page. Applicants assert that processing a client request and retrieving a localized page is a useful, concrete and tangible result. For example, the localized page may be displayed in a client browser and may be an HTML or XML formatted page displaying static or dynamic data *See* Specification, pp. 10-11, ¶ [0021]. Accordingly, Applicants respectfully request withdrawal of the rejection of independent claims 1, 8, 15 and 18, as well as all claims dependent thereon, under 35 U.S.C. §101.

**Claim Rejections under 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 1-23 under 35 U.S.C. § 102(b) as being anticipated by Parasnis et al. (U.S. Publication No. 2001/0044809 A1, hereafter “Parasnis”). Specifically, the Examiner stated:

7. Regarding independent claim 1, Parasnis et al. teach that an exemplary system for implementing the present invention includes a conventional PC 20, including a system bus 23 that couples various system components to processing unit 21. System bus 23 may be a memory controller using any of a variety of bus architectures. Hard disk drive 27, magnetic disk drive 28, and optical disk drive 30 are connected to system bus 23. The drives and their associated computer-readable media provide nonvolatile storage of computer readable instructions, data structures, program modules, and other data for PC 20 (paragraph block 0022), which meet the limitation of a controller generator that is adapted to provide an application with a controller that receives requests for data from users and responds to the requests by obtaining requested data,

Parasnis et al. teach that when the markup language documents are rendered by the browser, display pages are produced containing localized objects that convey content in the language selected by the user (0008), which meet the limitation of a page localization generator that is adapted to select a localized page based on at least one locale parameter.

See Office Action, pp. 3-4.

Further, the Examiner stated “[r]egarding independent claims 8, 15, 18, and 19, the claims incorporate substantially similar subject matter as claim 1, and are rejected along the same rationale.” See Office Action, p. 6. Applicants respectfully traverse this rejection.

***Legal Precedent***

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper

rejection under section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984).

Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

***Claim Features of Independent Claims 1, 8, 15, 18 Omitted from Cited Reference***

Turning to the claims, the present independent claim 1 recites, *inter alia*, “a page localization generator that is adapted to select a localized page based on at least one locale parameter.” (Emphasis added). Independent claim 8 recites, *inter alia*, “a page localization manager that identifies a locale-version of a requested page from a plurality of localized pages.” (Emphasis added). Independent claim 15 recites, *inter alia*, “means for selecting a localized version of a requested page based on at least one locale parameter.” Finally, independent claim 18 recites, *inter alia*, “page localizational control logic stored on the machine readable medium and adapted to identify a localized one of a plurality of localized pages corresponding to a requested page.” (Emphasis added).

In sharp contrast, the cited reference teaches the use of “placeholders” in a “markup language document,” i.e. page, and replaces the “placeholders” with localized “objects” and does *not* select or replace the “markup language document” or page itself. According to Parasnis:

[t]his invention enables developers to include localized objects in markup language documents by using *placeholder variables* in the documents. The placeholder variables are linked to localized objects through a reference file having entries populated with localized objects that are extracted from a dynamic link library (dll) file based on a language selected by a user. When a markup language document is opened in a

browser, the placeholder variables are replaced with their associated localized objects during a pre-rendering operation.

See Parasnis, pg. 1, ¶[0008] (Emphasis added).

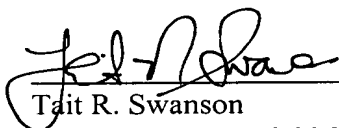
Parasnis does not select a localized page based on locale information, but instead relies on a single page or set of pages and replaces “objects” in those pages with localized data. Parasnis is intended to “facilitate localization of objects in markup language documents so that a *single set of markup language documents* (or a *single document, if applicable*) can be used to support a plurality of different languages.” *See id.* In view of these deficiencies, the cited reference does not disclose each and every claim feature and thus cannot anticipate independent claims 1, 8, 15, and 18 and their dependent claims. For at least this reason, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102.

**Conclusion**

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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